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4 GS HOLISTIC, LLC,
5 Plaintiff,
6 v.
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8 YOSIF INC, et al.,
9 Defendants.
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12 Case No. 22-cv-07633-JD
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15 **ORDER RE DEFAULT JUDGMENT**
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18 In this trademark dispute, plaintiff GS Holistic, LLC renews its request for a default
19 judgment pursuant to Federal Rule of Civil Procedure 55(b). Dkt. No. 30. The parties' familiarity
20 with the record is assumed, and the motion is denied.¹

21 In the prior order denying entry of default judgment, the Court was skeptical of GS
22 Holistic's "copy-and-paste approach to pleadings" and so incorporated the reasoning of orders
23 from other judges in this District denying entry of a default judgment based on similar pleadings
24 and filings. Dkt. No. 25 at 1-2 (citing cases). The Court further observed that, in connection with
25 the single sale of assertedly counterfeit products mentioned in the complaint, GS Holistic "did not
26 allege which 'Stündenglass Mark' was infringed . . . or otherwise provide facts that might make a
27 trademark claim plausible," let alone that such infringement was willful. *Id.* at 1.

28 In the time since, plaintiff has not amended its complaint to cure those deficiencies.
29 Consequently, the second and third factors set forth by the Ninth Circuit in *Eitel v. McCool* weigh
30 against entry of a default judgment. 782 F.2d 1470, 1471 (9th Cir. 1986). Further, with respect to
31 the fourth factor, the sum of money at stake in the action, *id.*, GS Holistic asks for \$150,000 in
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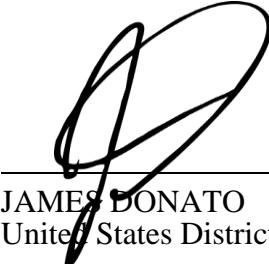
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1 statutory damages in connection with the alleged sale of a single product bearing a counterfeit
2 mark, Dkt. No. 1 (Compl.) ¶¶ 29-30; Dkt. No. 30-6 ¶ 14. Just as other judges in this District have
3 concluded, that amount is “disproportionate to the complaint’s allegations of only one sale of a
4 single product.” *GS Holistic, LLC v. Puff N Go Gift Shop LLC*, No. 22-cv-07634-VKD, 2023 WL
5 4146232, at *5 (N.D. Cal. June 22, 2023), report and recommendation adopted, Dkt. No. 30.
6 Plaintiff cites no authority to suggest that its evidence of monetary loss suffered due to widespread
7 counterfeiting unrelated to the defendant in this action is relevant to this point.

8 These factors, in light of the “general rule that default judgments are ordinarily
9 disfavored,” suffice to justify the motion’s denial. *Eitel*, 782 F.3d at 1472. Indeed, not much in
10 the record has changed since the Court’s prior order, so the reasoning adopted therein necessarily
11 leads to the same outcome for the present request for default judgment.

12 **IT IS SO ORDERED.**

13 Dated: February 18, 2025



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15 JAMES DONATO
16 United States District Judge
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